

SANPETE COUNTY COMMISSION MEETING

March 22, 2011, 2:00 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioners Spencer Cox and Steve Frischknecht, County Attorney Brody Keisel, and County Clerk Sandy Neill. Jay Clayton is present from the media.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Motion is made by Commissioner Cox to approve payment of claims #325533 through #325650 and #325651 through #325683. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY VALLEY BUILDERS FOR WORK DONE ON THE CENTRAL UTAH COUNSELING CENTER

Motion is made by Commissioner Cox to approve the payment of \$28,595.25 from the CIB loan/grant to Valley Builders for work done on the Central Utah Counseling Center. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY WELLS FARGO FOR THEIR TRUSTEE FEES ON THE 2008A AND 2008 B BONDS

Motion is made by Commissioner Cox to approve the payment of \$4,000.00 to Wells Fargo Bank for trustee fees on the 2008 A and 2008 B bonds. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY LYLE YOUNG WELDING FOR RELOCATION OF BARN TO THE FAIRGROUNDS

This building was obtained from USU Extension in Ephraim. Motion is made by Commissioner Frischknecht to approve the payment of \$69,726.00 to Lyle Young Welding for relocation of the barn from Ephraim to the fairgrounds in Manti. The motion is seconded by Commissioner Cox, and the motion passes.

TRACY CHRISTENSEN: APPROVAL TO PURCHASE A COPY MACHINE

Tracy Christensen is present. The copy machine they were using is broken. It is quite old, so the company will no longer contract to service it. Motion is made by Commissioner Cox to approve the purchase of a copy machine. The cost must fit within their budget. The motion is seconded by Commissioner Frischknecht, and the motion passes.

KEN BENCH: APPROVAL OF MLS CONTRACT

Ken Bench is present. This MLS service would normally cost \$1,200.00 to join, then \$800.00 per year. With this agreement, MLS will provide their service at no cost in exchange for the County providing information to MLS. The information will be provided on paper to MLS. Motion is made by Commissioner Cox to approve the MLS Contract. The motion is seconded by Commissioner Frischknecht, and the motion passes.

SHERIFF BRIAN NIELSON: APPROVAL TO REASSIGN GRETCHEN NUNLEY AND MARISOL NAJERA AS CORRECTIONAL OFFICERS AND INCREASE THEIR WAGES UPON SUCCESSFUL COMPLETION OF CORRECTIONS ACADEMY; APPROVAL TO PROMOTE JEFF NIELSON TO CORRECTIONAL SERGEANT WITH AN INCREASE IN WAGE

Captain Robert Braithwaite is present. Motion is made by Commissioner Cox to approve the reassignment of Gretchen Nunley and Marison Najera to correctional officers and to increase their wages upon successful completion of the corrections academy to \$15.81 per hour. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by

Commissioner Cox to approve the promotion of Jeff Nielson to correctional sergeant with an increase in wage to \$16.71, retroactive to March 20, 2011. The motion is seconded by Commissioner Frischknecht, and the motion passes. These increases in salary are not subject to the salary freeze in place. These employees are filling positions vacated in the sheriff's department, and will each receive the salary that goes with their new position.

APPROVAL OF RIGHT OF WAY AGREEMENT WITH QUESTAR GAS TO REMOVE EXISTING CASING ON DUCKSPRINGS DRIVE AND MAIN STREET

Motion is made by Commissioner Frischknecht to approve the right of way agreement with Questar Gas to remove casing on Ducksprings Drive and Main Street near Moroni. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL OF COUNTY FIRE CONTRACTS

Motion is made by Commissioner Frischknecht to approve the County Fire Contracts for 2011 with a total of \$69,239.00 to be paid to the fire departments in the County. The motion is seconded by Commissioner Cox, and the motion passes.

JOHN HALES: DISCUSSION OF NEW LEGISLATION (HB477) ON OPEN RECORDS

John Hales is present. He is here as the County coordinator for the referendum effort on the recently passed legislation on open records (HB477). Mr. Hales states that HB477 makes private personal emails, and personal online identities which is a good thing. He states that Grama already defines records. Requests can be made for information, no matter what form it originated in. If requested information is personal, the grama request can already be denied. This legislature attaches fiscal notes to legislation, and HB477 will make those notes unavailable until after the legislation is already passed. Mr. Hales understands if reasonable fees need to be charged. There should be some updating on what fees should be paid, and how they should be assessed. Mr. Hales believes that the legislature is "scrapping the task" due to the difficulty of providing the information. Mr. Hales is asking the Commission to back this effort if it is appropriate to do so. The Commission won't take a position on this as a Commission, but would be able to as individuals.

SCOTT OLSEN: REQUEST FOR A PUBLIC HEARING FOR A LOT LINE CHANGE REQUESTED BY NEAL EVANS FOR LOTS 20 & 21 (S 60466, S 60467) IN LEGACY MOUNTAIN HOLLOW SUBDIVISION; RECOMMENDATION FROM THE PLANNING COMMISSION TO ADOPT THE NEW GENERAL PLAN; RECOMMENDATION FROM THE PLANNING COMMISSION TO AMEND THE LAND USE ORDINANCE BY ADOPTING A REVISED LAND USE CLASSIFICATION MATRIX (APPENDIX A) AND REVISED DEFINITIONS (APPENDIX B); APPROVAL TO MAKE CLARIFICATION CHANGES TO THE LAND USE ORDINANCE AND SUBDIVISION ORDINANCE

Scott Olsen is present. Motion is made by Commissioner Cox to approve a public hearing for a lot line change requested by Neal Evans on lots 20 and 21 in the Legacy Mountain subdivision. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve a public hearing to adopt a new general plan, and make amendments to the land use ordinance. The motion is seconded by Commissioner Frischknecht, and the motion passes.

CONSIDERATION OF A PROCLAMATION DECLARING APRIL AS PARKINSON DISEASE AWARENESS MONTH AND APRIL 11 AS WORLD PARKINSON DISEASE AWARENESS DAY

Motion is made by Commissioner Frischknecht to adopt a proclamation declaring April as Parkinson Disease Awareness month and April 11 as World Parkinson Disease Awareness Day. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL OF INDIGENT DEFENSE TRUST FUND CONTRACT FOR TRAVIS BENNETT

Motion is made by Commissioner Frischknecht to approve the indigent defense trust fund contract for Travis Bennett. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL OF LEASE AGREEMENT WITH THE UTAH STATE COURTS

Motion is made by Commissioner Cox to approve the three year lease agreement with the Utah State Courts effective November 1, 2010. The motion is seconded by Commissioner Frischknecht, and the motion passes.

MANI GREWAL: REQUEST TO REMOVE INTEREST AND PENALTY ON S 15413x1, S 15426, S 60302

Mani Grewal is present. He purchased property in Sanpete, one parcel has a gas station. He sold the gas station, and the purchaser didn't make payment to him and sold all the gas and inventory. He is asking for relief from the interest and penalty on the property he owns. The loss from the gas alone was around \$80,000.00. Mr. Grewal paid the back taxes recently, and intended to not pay the penalty and interest. The computer applies the money to the interest and penalty first, then the taxes. Motion is made by Commissioner Cox to waive penalty and interest as they stand on S 15413x1, S 15426, and S 60302. Interest and penalties will not accrue on these 3 properties through the end of this year. If remaining principle is not paid by November 30, 2011, penalty and interest will again accrue. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from March 1, 2011 with minor corrections. The motion is seconded by Commissioner Cox, and the motion passes.

AINEO TAUKEI'AO: REQUEST A PAYMENT PLAN AND REMOVE S 1334 FROM THE MAY TAX SALE

Fred Taukei'aho is present. Motion is made by Commissioner Cox to stop the interest from accruing on S 1334, authorize a payment schedule of \$500.00 per month (this allows 2 years to pay the past and current taxes in full), and remove the property from the May Tax Sale. The motion is seconded by Commissioner Frischknecht, and the motion passes.

KERRY DYRENG: REQUEST TO REMOVE S 7284 AND S7284x1 FROM THE MAY TAX SALE; DISCUSSION OF ROAD THROUGH THE PROPERTY

Kerry Dyreng, Reed Hatch, Joel Chidester and Keith Larsen are present. Mr. Dyreng states that the Palisade Road runs through his property. He would like to remove the road from his property description, and let the County take ownership. Motion is made by Commissioner Cox to entertain negotiations to have the County acquire the road portion of his property, with a possible tax credit on the taxes for 2011. The motion is seconded by Commissioner Frischknecht, and the motion passes. Mr. Dyreng states he deliberately did not pay the taxes for 5 years, so he could get the road issue addressed. The Commission ask what his proposal is to address the past five years taxes. Mr. Dyreng wants the road issue straightened out before he pays the taxes on the property. The Commission explains that the past taxes need to be addressed or the property will go to the tax sale. They again ask Mr. Dyreng if he wants to talk about a payment plan, or if he wants it to purposely let it go to a tax sale. Mr. Dyreng declined to make arrangements to remove it from the tax sale.

ROBERT CHILDS: REQUEST TO REMOVE S2629x11, S11092, S 11091, S11090, S11087, AND S11076 FROM THE MAY TAX SALE

Robert Childs, Joel Chidester and Keith Larsen are present. Mr. Childs states that 2629x11 is part of property that was owned by his father, and then was divided. It is located on Farmers Freeway. The property was on greenbelt, and he has not been able to put it back on greenbelt. The request was denied because no crop is being produced, and it is not fully fenced for grazing. The rest of the properties are near Axtell. Mr. Childs leases the properties near Axtell to Jeff Beck. Mr. Childs is asking to have greenbelt reinstated retroactive so that he won't be required to pay roll back taxes. Mr. Chidester states that paperwork was sent to Mr. Childs, calls were made, and no application was received to keep the property on greenbelt. The property is now on greenbelt. The Commissioners explain that they cannot excuse the roll back taxes on the properties. Motion is made by Commissioner Cox to waive the interest on the s11092, s11091, s11090, s11087 and s11076 and interest will not accrue, contingent upon Mr. Childs bringing the taxes current by November 2011. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to approve a six month payment plan on S 2629x11, and remove all of the properties from the May tax sale. The motion is seconded by Commissioner Frischknecht, and the motion passes.

JAY OLSEN: DISCUSSION OF WATERSHED

Jay Olsen and Steve Keller are present. Mr. Olsen would like to draft a proposal for sharing an engineer. The County would have use of the engineer for 25% of his time, at a cost of about \$25,000.00 to the County. The roads special service district may need an engineer more than the County. Mr. Olsen will get on the SSD's agenda and make a proposal. Mr. Olsen would also like to meet with the Planning Commission to have a member of their board serve on the Sanpitch River Watershed Board.

APPOINTMENT OF BOARD MEMBERS TO THE SANPETE WATER CONSERVANCY DISTRICT BOARD

Motion is made by Commissioner Cox to appoint Ken Palmer, Chad Parry Olson, and Joe Frischknecht to serve until December 31, 2013; and Ken Bench, David Cox, Edwin Sunderland and Richard Dyreng to serve until December 31, 2015 on the Sanpete Water Conservancy District Board. The motion is seconded by Commissioner Frischknecht, and the motion passes. The shorter terms are for this appointment only, so that only approximately one half of the board members terms expire at a time. Chad Parry Olson, Ken Bench, Joe Frischknecht, David Cox, and Ken Palmer are present and take their oaths of office.

Motion is made by Commissioner Cox to go into executive session to discuss the acquisition of property and imminent litigation. The motion is seconded by Commissioner Frischknecht, and the motion passes.


EXECUTIVE SESSION

Motion is made by Commissioner Cox to go out of executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Cox to give the road department permission to breach the Clarion Road if needed for flood control. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Cox to adjourn. The motion is seconded by Commissioner Frischknecht, and the motion passes.

The meeting is adjourned at 6:38 P.M.

ATTEST: 
Sandy Neill
Sanpete County Clerk

APPROVED: 
Claudia Jarrett
Commission Chair